

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EUGENE WATSON, :
Plaintiff :
v. : Case No. 3:08-cv-191-KRG-KAP
MICHAEL CATALANO, JEFFREY BEARD,:
and RICHARD ELLERS, :
Defendants :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on September 18, 2008, docket no. 11, recommending that the defendants' motions to dismiss, docket no. 5 and docket no. 7, be granted.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to file written objections to the Report and Recommendation. Plaintiff filed objections, docket no. 13, which are meritless.

After de novo review of the record of this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 29th day of September, 2008, it is
ORDERED that the defendants' motions to dismiss, docket
no. 5 and docket no. 7, are granted, and the complaint is dismissed
for failure to state a claim. The Report and Recommendation is
adopted as the opinion of the Court. The Clerk shall mark this
matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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